

January 4, 2019

Honorable City Planning Commission  
Cincinnati, Ohio

**SUBJECT:** A report and recommendation on the establishment of Interim Development Control (IDC) Overlay District No. 84, Melrose Avenue in Walnut Hills, for a period of three months.

**BACKGROUND:**

On December 28, 2018, Councilmember P.G. Sittenfeld introduced a motion to study the potential impact that the Melrose YMCA's closure and potential change in use would have on surrounding residences. The study would provide land use, planning, and zoning recommendations to ensure any change occasioned by the closure would strengthen the community and ensure that the interests of nearby residents are protected. The motion further recommended the establishment of an Interim Development Control (IDC) Overlay District for the area during the study period.

Pursuant to Section 1431-01 of the Cincinnati Zoning Code, the purpose of the IDC Overlay District is to temporarily regulate the establishment of uses, construction of new buildings and demolition or alteration of existing structures in the areas where potential development could be detrimental or have adverse impacts on the implementation of approved amendments to the Cincinnati Zoning Code, approved or adopted plans, or current planning, land use or zoning studies.

On January 2, 2019, City Manager Patrick A. Duhaney formally directed the Department of City Planning to move forward with a zoning study and establish an IDC Overlay District over Melrose Avenue in Walnut Hills. The motion specifically addressed Melrose Avenue, between Lincoln Avenue and Oak Street. All properties along that portion of Melrose Avenue are zoned Residential Mixed (RMX). As such, City Planning staff created the proposed IDC Overlay District boundary by selecting all properties zoned RMX within the larger block of Lincoln Avenue, Gilbert Avenue, Oak Street, and Stanton Avenue.

Provided in addition to this report are:

1. Exhibit A – Map of the IDC Boundary
2. Exhibit B – IDC Review Criteria
3. Motion from Councilmember P.G. Sittenfeld

**CRITERIA FOR AN IDC DISTRICT**

According to Cincinnati Zoning Code Section 1431-05, *Establishment of IDC Overlay Districts*, City Council may establish an IDC Overlay District if the City Planning Commission gives them an affirmative recommendation on the finding that:

*A. Proposed Amendments.* Amendments to the Cincinnati Zoning Code have been approved or are under consideration through the following actions:

1. The City Planning Commission has approved amendments to the Cincinnati Zoning Code; or
2. The City Planning Commission has approved or adopted a comprehensive plan, community plan, urban design, urban renewal plan or other planning document which contains recommendations to amend the Cincinnati Zoning Code; or
3. The City Planning Commission, City Council or the City Manager has directed City Administration to study planning, land use or zoning issues in the proposed IDC Overlay District boundary.

*The criteria in Section A3 above have been met because the City Manager has directed the Department of City Planning to undertake a zoning study along Melrose Avenue between Lincoln Avenue and Oak Street in Walnut Hills.*

- B. *Study and Review.* The proposed amendments may substantially affect permitted uses in the area of consideration and will require the study and review by the City Planning Commission, City Administration and Council prior to adoption; and

*The study could result in proposed amendments to the City's Zoning Code and/or Zoning Map; these amendments may affect permitted uses and will require the study and review by the City Planning Commission, City Administration, and City Council prior to their adoption.*

- C. *Public Interest.* The protection of the public interest requires that interim development controls be imposed during the period of study and review by the City Planning Commission.

*The additional review of permits by the City Planning Commission will protect the public interest by ensuring that the neighborhood's aesthetics, character, quality of life, and property values are not significantly impacted during the course of the study.*

*Correspondence with YMCA staff indicates substantial changes in programming at the Melrose Avenue location in Walnut Hills. There are potential impacts of reprogramming this YMCA building with new uses that could be detrimental to the largely residential community surrounding it. For example, new and different traffic patterns could affect the neighborhood's residential character.*

*Additionally, the study may result in proposed amendments to the City's Zoning Code and/or Zoning Map that could restrict those uses by emphasizing the district's residential nature.*

#### **§1431-09 – Three-Month IDC Overlay Districts**

Council may establish IDC Overlay Districts to remain in effect for three months without prior notice, advertisement or public hearing. The Director of City Planning has the duty to give notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of an IDC Overlay District, by placing an advertisement in a newspaper of general circulation and, if less than 100 parcels of property are within the district, by sending the notice to all owners of record.

#### **REGULATIONS AND GUIDELINES FOR THE IDC**

The area proposed for the boundary of IDC Overlay District No. 84 would be the officially recognized boundary of the land use study in this portion of Walnut Hills as shown on the attached map in Exhibit A.

According to §1431-15, the City Planning Commission has the duty to review applications in an established IDC Overlay District. The Department of City Planning recommends that it be designated as the administrative reviewer for the proposed IDC Overlay District.

According to §1431-07, IDC Application Review Guidelines, an IDC may include the following permits:

- (a) *Applications Subject to Review.* Specify which of the following permit applications are to be reviewed by the City Planning Commission.
  - The Department of City Planning recommends that non-residential building permits for new construction, demolition of existing structures, exterior or interior alterations or additions to existing structures and changes in use, including changes in occupancy classification, be reviewed.
- (b) *Application Review Guidelines.* Adopt application review guidelines for each application subject to review specified in §1431-15 for the purposes of providing the City Planning Commission with criteria for the exercise of its authority, as granted in this chapter.
  - The Department of City Planning recommends application review guidelines as written in Exhibit B.
- (c) *Administrative Review.* Designate the city department, division, or official responsible for conducting the administrative review of these applications.
  - The Department of City Planning recommends that it be designated as the administrative reviewer for this IDC (No. 84).

### **ANALYSIS**

If the City Planning Commission affirmatively recommends a study of a portion of Melrose Avenue, as requested by the City Manager, an IDC Overlay District could help to ensure the compatibility of any potential change in use along Melrose Avenue where the zoning is being studied. The proposed IDC Overlay District could be established for an initial three months with a future option to extend it an additional nine months if the City Planning Commission and City Council so desires.

If the three month IDC Overlay District is established, a notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period will need to be sent within ten business days of the establishment. All owners of record within the IDC boundary will receive notice for the public hearing before the City Planning Commission.

Again, the motion specifically addressed Melrose Avenue, between Lincoln Avenue and Oak Street. All properties along that portion of Melrose Avenue are zoned Residential Mixed (RMX). All properties zoned RMX within the larger block of Lincoln Avenue, Gilbert Avenue, Oak Street, and Stanton Avenue have been included in the proposed IDC Overlay District boundary. This will allow staff to study the RMX zoning designation of the current Melrose YMCA in the larger neighborhood context and determine if RMX is an appropriate zoning district.

Substantial changes in programming at the Melrose Avenue YMCA could have detrimental impacts to the largely residential neighborhood. The establishment of an IDC Overlay District while the study is completed will offer some immediate protection to the neighborhood.

### **CONSISTENCY WITH PLANS:**

The proposal is consistent with the *Walnut Hills Reinvestment Plan* (2017), the neighborhood plan for Walnut Hills, as the neighborhood transitions away from the commercial uses near the interstate into the more residential areas of the neighborhood. The plan specifically calls out the need for careful transitions from the MLK frontage to the residential areas at and south of Beecher Street (page 42). This proposal is also consistent with the Live Initiative Area of *Plan Cincinnati* (2012), particularly within the Strategy to “Support and stabilize our neighborhoods” (page 160).

### **RECOMMENDATION**

The staff of the Department of City Planning recommends that the City Planning Commission take the following actions:

- 1) **DIRECT** the Department of City Planning to undertake a zoning study along Melrose Avenue between Lincoln Avenue and Oak Street; and,
- 2) **ADOPT** the Department of City Planning’s staff findings that the proposed IDC is in compliance with Cincinnati Zoning Code Section 1431-05, *Establishment of IDC Overlay Districts*, as discussed on pages 1 – 3 of this report; and,
- 3) **RECOMMEND** that City Council establish Interim Development Control (IDC) Overlay District No. 84, Melrose Avenue in Walnut Hills, for a period of three months, finding it to be in the interest of the general public’s health, safety, and welfare during the course of the Department of City Planning’s study, which recommendation includes:
  - a. Appointing the Department of City Planning as the designated administrative reviewer under the IDC; and
  - b. Adoption of the IDC permit application list and review guidelines in Exhibit B entitled “Regulations and Application Review Guidelines for Interim Development Control District No. 84, and Designation of Administrative Reviewer.”

Respectfully submitted:



Stacey Hoffman, Senior City Planner  
Department of City Planning

Approved:



Katherine Keough-Jurs, AICP, Director  
Department of City Planning



**P.G. Sittenfeld**  
*Councilmember*

## MOTION

**WE MOVE** that the City Administration study the potential impact that the Melrose YMCA's closure and potential change in use will have on surrounding residences, particularly those located on Melrose Avenue between Oak Street and Lincoln Avenue, and that the study provide land use, planning, and zoning recommendations to ensure any change occasioned by the closure will strengthen the community and ensure that the interests of nearby residents are protected; and

**WE FURTHER MOVE** that the City Administration make diligent and timely efforts to establish an interim development control overlay district for the area during the study period to ensure that the study's findings and recommendations are not endangered.

Councilmember P.G. Sittenfeld

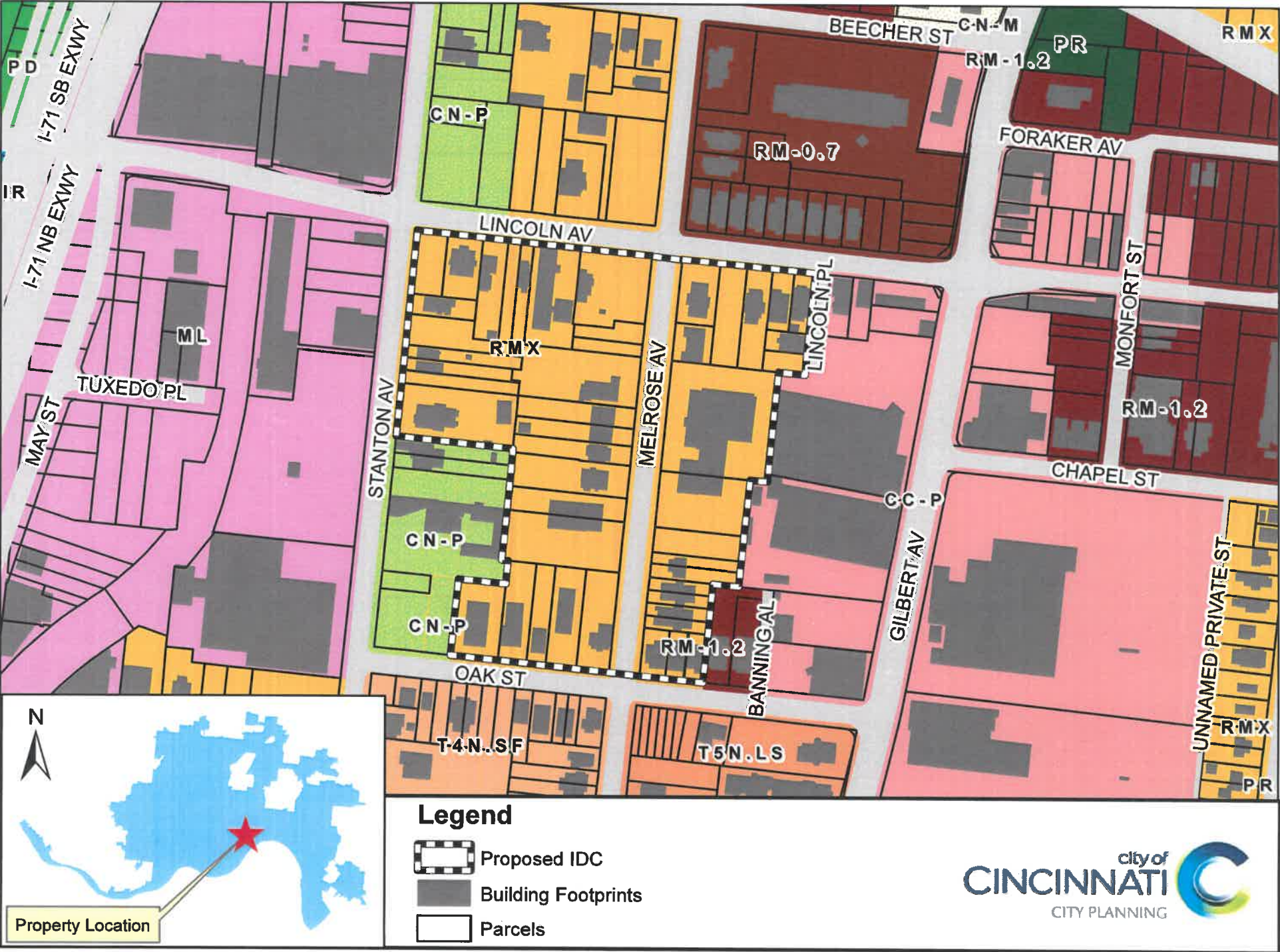
## COMMITTEES

*Chair:* Education, Innovation & Growth

*Member:* Budget & Finance • Equity, Inclusion, Youth & The Arts



Exhibit A: Proposed Interim Development Control #84, Melrose Avenue in Walnut Hills



## **EXHIBIT B**

### **Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 84, Melrose Avenue and Designation of Administrative Reviewer**

#### **Section I. Applications Subject to Review:**

- (a) Non-residential building permits for:
  - i. new construction,
  - ii. demolition of existing structures,
  - iii. exterior or interior alterations,
  - iv. additions to existing structures,
  - v. changes in use, including changes in occupancy classifications, and
  - vi. site improvements.

#### **Section II. Designated Administrative Reviewer:**

Council designates the Department of City Planning as the staff reviewing authority for Interim Development Control Overlay District No. 84, “Melrose Avenue.”

#### **Section III. Application Review Guidelines:**

In addition to any other necessary reviews and approvals as required by the Cincinnati Zoning Code and any other applicable laws, any application subject to review in Section I above shall be reviewed by the City Planning Commission to determine whether the application conforms to all applicable laws, ordinances, and regulations and is in the public interest.

In determining whether the application is in the public interest, the City Planning Commission shall consider those factors listed below that are relevant to the application. The application’s failure to conform to any single factor is not necessarily a sufficient basis for denial.

- a) *Residential Character.* The proposal has a density, scale, size, height, massing, programmatic configuration or function, or use that is compatible with and designed to maintain and enhance residential neighborhoods.
- b) *Placement.* The proposed siting, setbacks, and orientation is designed to maximize multi-modal mobility that emphasizes pedestrian safety, participation, circulation, and connectivity.
- c) *Integration.* The proposal is designed to provide seamless transitions and connections, promoting interconnectivity between adjoining and abutting land uses to avoid disharmonious development patterns.

- d) *Accessibility*. The proposal is designed to promote public and private interactions and accessibility through multi-modal connections to existing or planned street grids or pedestrian-oriented pathways.
- e) *Stormwater Management*. The proposal is designed to address and minimize potential adverse effects relating to off-site stormwater runoff owing to any relative increase in impervious surface area or decrease in vegetative land cover related to the proposed development.
- f) *Zoning*. The proposal conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.
- g) *Guidelines*. The proposal conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.
- h) *Plans*. The proposal conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.
- i) *Proposed Zoning Amendments*. The proposal is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.
- j) *Adverse Effects*. Whether the proposal is likely to impose any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.